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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,047	03/18/2004	Der-Zheng Liu	REAP0463USA	4615

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
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EXAMINER	
PERILLA, JASON M	

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
11/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/803,047	LIU ET AL.	
	Examiner	Art Unit	
	Jason M. Perilla	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12,15,16 and 18-23* is/are pending in the application.

4a) Of the above claim(s) *5,15,21 and 22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3,6-12,16,18-20 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 5-12, 15, 16, and 18-23 are pending in the instant application. Claims 5, 15, 21, 22 are withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-3, and 6-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the claim's preamble provides for "at least two pilot signals transmitted via first and second pilot subchannels respectively". However, the remainder of the claim provides for "pilot signals of the first and second symbols transmitted over the first pilot subchannel". The claim confuses pilots in respective subchannels with pilots in the same subchannel.

Claims 2-3, and 6-9 are rejected as being based upon a rejected parent claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Imamura (U.S. Pat. No. 6862262).

Regarding claim 1, Imamura discloses an apparatus (fig. 3) for sampling timing compensation at a receiver of a communication system, wherein each of a first symbol and a second symbols comprising at least two pilot signals (fig. 1) transmitted via a first and a second pilot subchannels respectively, and the first and the second pilot subchannels comprise a first and a second pilot indexes respectively, the apparatus comprising: a pilot subchannel estimator (fig. 3, ref. 104) for generating a first frequency response of the first and the second symbols according to the pilot signals of the first and the second symbols transmitted over the first pilot subchannel (col. 5, lines 40-60) and a second frequency response of the first and second symbols according to the pilot signals of the first and second symbols transmitted over the second pilot subchannel (col. 5, lines 40-60; col. 5, lines 59-63, "using the residual phase error of each subcarrier calculated by differential detection"); a timing offset estimator (fig. 4, ref. 204; fig. 5, ref. 204), coupled to the pilot subchannel estimator, for calculating a timing offset according to a difference between the first and second frequency response (col. 6), and a phase rotator (fig. 4, ref. 209), coupled to the timing offset estimator, for performing sampling timing compensation according to an phase rotation corresponding to the timing offset.

Regarding claim 2, Imamura discloses the limitations of claim 1 as applied above. Further, Imamura discloses that the communication system is a multi-carrier "OFDM" system (abstract).

Regarding claim 3, Imamura discloses the limitations of claim 1 as applied above. Further, Imamura discloses that the timing offset estimator further comprises a phase difference calculating device (fig. 5, refs. 301-304) for calculating a phase difference between the first and second frequency responses and a divider (fig. 5, refs. 305 and 306) for calculating the timing offset according to the phase difference and a difference between the first and second pilot indexes (col. 5, line 30 – col. 6, line 40). The pilot indexes are determined according to their position in time. Hence, "the time elapsed between the two data symbols" is associated with the pilot indexes.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 6, 10-12, 16, 18, 19, 20, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura in view of Singh et al (U.S. Pat. No. 7139320; "Singh" – previously cited).

Regarding claim 6, Imamura discloses the limitations of claim 1 as applied above. Further, Imamura discloses that discloses determining a phase difference between the pilot symbols of many subcarriers of a multicarrier system. Such difference is indicative of a frequency offset between the transmitter and the receiver. However, although one skilled in the art is aware that such offset is manifested in the receiver due to poor synchronization of the receiver's local oscillation and sampling frequencies (i.e.

Imamura fig. 3, ref. 102; col. 4, lines 10-20) with respect to the operating frequency of the transmitter, Gilbert does not explicitly disclose the correction of a sampling frequency offset. However, Singh discloses, in a strictly analogous sampling timing compensation apparatus (fig. 4), compensating both the downconverter frequency (fig. 4, ref. 32) and sampling timing frequency (fig. 4, ref. 34; col. 8, lines 45-55) according to the determined pilot offset (col. 8, lines 15-35). Singh's compensation is performed for frequency synchronization between the OFDM transmitter and receiver (col. 8, lines 52-55). Therefore, it would have been obvious at the time the invention was made that Imamura's determination of phase offset could be advantageously utilized to update the downconverter and sampling frequencies (Imamura; fig. 3, ref. 102) as taught by Singh because it would achieve frequency synchronization between the OFDM transmitter and receiver. Further, Singh discloses a timing controller (fig. 4, output of 80) for generating a control signal ("FREQUENCY SYNCH ADJUSTMENT") according to the timing offset, wherein the phase of the sampling clock (fig. 4, ref. 82) is adjusted according to the control signal; and an analog-to-digital converter (ADC) (fig. 4, ref. 34) for converting the symbol according to the sampling clock. These items correspond to the downconverting and sampling (fig. 3, ref. 102) of Imamura (col. 4, lines 10-20).

Regarding claim 10, Imamura in view of Singh disclose the limitations of the claim as applied to claim 6 above.

Regarding claim 11, Imamura in view of Singh disclose the limitations of claim 10 as applied above. Further Imamura in view of Singh disclose the remaining limitations of the claim as applied to claim 3 above.

Regarding claim 12, Imamura in view of Singh disclose the limitations of claim 11 as applied above. Further Imamura in view of Singh disclose the remaining limitations of the claim as applied to claim 3 above.

Regarding claim 16, Imamura in view of Singh disclose the limitations of claim 10 as applied above. Further Imamura in view of Singh disclose the remaining limitations of the claim as applied to claim 6 above.

Regarding claim 18, Imamura in view of Singh disclose the limitations of the claim as applied to claim 6 above. Further Imamura in view of Singh disclose a pre-FFT processing device for processing in the time domain (Imamura; fig. 3, ref. 102), a FFT for transforming the symbols to the frequency domain (Imamura; fig. 3, ref. 103), and a, adjusting device for adjusting the operation of the pre-FFT processing device (Singh; fig. 4, refs. 80 and 82).

Regarding claim 19, Imamura in view of Singh disclose the limitations of claim 18 as applied above. Further, Imamura discloses that the pre-FFT processing device includes an ADC as applied in claim 18 above.

Regarding claim 20, Imamura in view of Singh disclose the limitations of claim 19 as applied above. Further, Imamura discloses that the pre-FFT processing device further includes a timing controller (fig. 4, output of 80) for generating a control signal ("FREQUENCY SYNCH ADJUSTMENT") according to the timing offset and a clock generator (fig. 4, ref. 82) for controlling the operation of the ADC (fig. 4, ref. 34).

Regarding claim 23, Imamura in view of Singh disclose the limitations of the claim as applied to claim 6 above.

8. Claims 7, 8, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura in view of Singh, and in further view of National ("Application of the ADC1210 CMOS A/D Converter"; National Semiconductor Application Note 245, April 1986 – previously cited).

Regarding claim 7, Imamura in view of Singh disclose the limitations of claim 6 as applied above. Imamura in view of Singh do not explicitly disclose that the period of the sampling clock (Tf) is shorter than a sampling interval (Ts) of the ADC. However, it is notoriously known in the art that many modern ADC converters require multiple clock periods to convert an analog signal into a high resolution binary number. Such ADC converters operate in a type of serial fashion to save cost. Specifically, National discloses, on the second column of page 5, that a 500kHz clock could be utilized by the disclosed ADC to create a 12 bit digital representation of an analog signal in 26us. That is, the period of the sampling clock (a 500kHz clock has a 2us period) is more frequent (shorter) than the sampling output interval (every 26us). Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to utilize a serial fashion output ADC converter as disclosed by National having a longer sampling interval than sampling clock interval in the apparatus of Imamura in view of Singh because it would save cost.

Regarding claim 8, Imamura in view of Singh, and in further view of National disclose the limitations of claim 7 as applied above. Further, Imamura in view of Singh, and in further view of National disclose the remaining limitations of the claim as applied in claim 7 above.

Regarding claim 17, Imamura in view of Singh disclose the limitations of claim 13 as applied above. Further Imamura in view of Singh, and in further view of National disclose the remaining limitations of the claim as applied to claim 7 above.

9. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura in view of Singh, and in further view of Matheus et al (U.S. Pat. No. 7009932; hereafter "Matheus" – previously cited).

Regarding claim 9, Imamura in view of Singh disclose the limitations of claim 6 as applied above. Imamura in view of Singh do not disclose, however, that the clock generator (Singh; fig. 4, ref. 82) comprises a PLL. Rather, Singh illustrates and discloses a Numerically Controlled Oscillator (NCO). However, the use of phase locked loop circuits as oscillators is notoriously known in the art as taught and disclosed by Matheus (fig. 5, ref. "CORR1"; col. 15, lines 10-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to utilize a PLL in place of Singh's NCO to generate a clock signal because the use of a PLL is well known and accepted in the art.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Perilla
November 14, 2007

jmp

CHIEH M. FAN
SUPERVISORY PATENT EXAMINER